

REMARKS

Claims 47 and 75 have been amended, and Claim 81 has been added. Claims 47-81 are pending in the application and are presented for consideration and examination in view of the amendment and the following remarks. The claim amendments are supported by, for example, Figures 11A-12 and the corresponding description including paragraphs [0106]-[0120]. No new matter is added by the amendment. Applicant respectfully requests entry of the amendment.

Discussion of Rejection Under 35 U.S.C. § 112

Claim 66 was rejected under 35 U.S.C. § 112, first paragraph for failing to comply with the written description requirement. Applicant respectfully traverses this rejection. The feature “the transmitter is configured to transmit to at least two speakers, and wherein the processor is capable of generating different control signals to be transmitted to the two speakers” is described in Figures 1, 9, 11C and 11D and the corresponding description. For example, paragraph [0032] of the application describes transmitting to at least two speakers from a transmitter, wherein the address of the receiver attached to the two speakers may be encoded. Paragraph [0116] of the application describes transmitting two audio channels via the IR transmitter 1101 to speakers 1144(a) and 1144(b). Withdrawal of the rejection is respectfully requested.

Claims Rejections under 35 U.S.C. § 102(e)

Independent Claims 47 and 75 were rejected under 35 U.S.C. § 102(e) as being anticipated by Swix et al. (US 2004/0250273). In response, Claims 47 and 75 have been amended.

Amended independent Claim 47 recites, for example, “at least one input receiving an audio signal from at least one input device, the audio signal being encoded in a channel format having multiple channels; a processor converting the received audio signal into one or more signals comprising an output signal of a selected single channel” and “a transmitter connected to the plurality of speakers via a network and configured to transmit the output signal to the selected speaker.” Amended independent Claims 75 recites similar limitations. Swix does not disclose at least these features.

Swix relates to a broadband multimedia gateway which receives multimedia signals from cable television or radio signals and transmits a multimedia signal such as an audio signal to audio systems via an Ethernet. See Figure 1 and paragraphs [0035]-[0044] of Swix. However, Swix does not disclose that the broadcast multimedia gateway converts an audio signal being encoded in a channel format having multiple channels into an output signal of a selected single channel. Swix also does not disclose that the audio signal transmitted to the audio systems includes an audio signal of a selected single channel as recited in amended Claims 47 and 75. Accordingly for at least these reasons, independent Claims 47 and 75 are not anticipated by Swix. Further, none of the applied prior art discloses or suggests such a feature. Therefore, Applicant respectfully submits that Claims 47 and 75 are allowable over the applied prior art.

Claims Rejections under 35 U.S.C. § 103(a)

Independent Claim 76 was rejected under 35 U.S.C. § 103(a) as being obvious over Hadley (US 6,061,455) in view of Swix. Independent Claim 76 recites, for example, “a transmitter connected to at least one speaker via a network; and a processor configured to process the audio signal and to generate a first output audio signal and a second output audio signal, wherein the first output audio signal is sent to the amplifier module and the second output audio signal is sent to the speaker.” Neither Hadley nor Swix, alone or in combination, teaches or suggests this feature.

Hadley relates to an audio system having an audio amplifier 14 coupled to a loudspeaker 20. The audio amplifier 14 takes an audio signal as input and provides an amplified audio signal as output to the loudspeaker 20. A distortion detector built in the audio amplifier 14 detects when the level of distortion in the output signal of the amplifier exceeds a reference threshold and sends a signal to a control circuit 16 indicating whether the distortion exceeds the threshold.

In rejecting Claim 76, the Examiner identified both the amplifier 14 and the control circuit 16 as corresponding to the same “amplifier” recited in Claim 76. The Examiner then asserts that the signal sent from the amplifier 14 to the control circuit 16 corresponds to “the first output audio signal” even though the first output signal must be “sent to the amplifier module” as recited in Claim 76. However, between the amplifier 14 and the control circuit 16, only the amplifier 14 receives and amplifies an audio signal.

The signal received by the control circuit 16 is not even an audio signal. Instead, the signal sent from the amplifier 14 to the control circuit 16 is a control signal. The control signal indicates whether the distortion exceeds the threshold. Thus, the control circuit 16 can not be the amplifier recited in Claim 76. Further, the amplifier 14 from Hadley does not receive "the first output signal" as recited in Claim 76. For at least these reasons, neither the amplifier 14 nor the control circuit 16 can be the "amplifier module for audio signal amplifying" which receives "the first output audio signal" as recited in Claim 76.

Further, Swix, alone or in combination with Hadley, does not teach or suggest this feature. Accordingly for at least these reasons, independent Claim 76 is not obvious over Hadley in view of Swix. Further, none of the applied prior art cures this deficiency. Therefore, Applicant respectfully submits that Claim 76 is allowable over the applied prior art.

Dependent Claims

Dependent Claims 48-74 and 77-81 are depend directly or indirectly from Claims 47 and 76 and, thus, are patentable for at least the same reasons that the claim from which they depend is patentable over the art of record. Therefore, allowance of Claims 48-74 and 77-81 is respectfully requested.

No Disclaimers or Disavowals

To the extent that any amendments or characterizations of the scope of any claim or referenced art could be construed as a disclaimer of any subject matter supported by the present disclosure, the Applicant hereby rescind and retract such disclaimer. Accordingly, the listed or referenced art in the related patents may need to be re-visited.

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, Applicant is not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. Applicant reserves the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not

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reasonably infer that Applicant has made any disclaimers or disavowals of any subject matter supported by the present application.

CONCLUSION

For the foregoing reasons, it is respectfully submitted that the rejections set forth in the outstanding Office Action are inapplicable to the present claims. Accordingly, issuance of a Notice of Allowance is earnestly requested.

Any remarks in support of patentability of one claim should not be imputed to any other claim, even if similar terminology is used. Any remarks referring to only a portion of a claim should not be understood to base patentability on solely that portion; rather, patentability must rest on each claim taken as a whole.

Applicant has not presented all arguments concerning whether the applied references can be properly combined in view of the clearly missing elements noted above, and Applicant reserves the right to later contest whether a proper reason exists to combine these references and to submit evidence relating to secondary considerations supporting the non-obviousness of the securement devices recited by the pending claims.

The undersigned has made a good faith effort to respond to all of the noted rejections and to place the claims in condition for immediate allowance. Nevertheless, if any undeveloped issues remain of if an issue requires clarification, the Examiner is respectfully requested to call Applicant's attorney, James Herkenhoff at (619) 687-8663 (direct line), in order to resolve any such issue promptly.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

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Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: _____

5/5/09

By: _____


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